

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 218 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

SHAMBHUGIRI TIRKAMGIRI

Versus

COLLECTOR OF JAMNAGAR

Appearance:

Shri Mehul Shah for Shri SURESH M SHAH for Petitioner
Shri Digant P. Joshi, ASSTT. GOVERNMENT PLEADER for
Respondent No. 1, 2

CORAM : MR.JUSTICE R.R.TRIPATHI

Date of decision: 18/02/2000

ORAL JUDGEMENT :

The petitioner was given licence to run a fair price shop by respondent no.1 and also an authorisation for distribution of sugar. Said authorisation came to be cancelled by respondent no.1 by an order dated 16.12.1986, against which an appeal was filed before the Government and in the said appeal, the order of respondent no.1 was confirmed. Being aggrieved of that,

the present petition came to be filed. At the time of admission of the matter, this Court had granted interim relief in terms of para 16(c), which reads as under:

"Pending the hearing and final disposal of the present petition, implementation and operation of the impugned orders, Annexure 'B' and 'C' may kindly be ordered to be stayed."

2. Looking to the facts of the case, the licence to run a fair price shop and the authorisation for the distribution of sugar, which is always granted for a specified period only, must have been granted for a fixed period in favour of the petitioner. As it was cancelled by respondent no.1 and that cancellation order was confirmed by the appellate authority, the petitioner approached this Court. As the interim relief was granted by this Court the said licence and the authorisation must have continued by the authorities and the said licence should have expired at the end of full period for which it was granted.

3. Today, when the matter is called out and taken up for hearing, neither Mr.Shah for the petitioner nor the Assistant Govt. Pleader for the respondents had any specific instructions regarding the said licence being continued as on date. There are two possibilities that either the authorities have continued the said licence till date, in light of the interim relief granted by this Court. If that is so then the petitioner cannot be allowed to enjoy fruits of licence which is always granted for a specified period only. The second alternative is that on the expiry of the specified period for which licence was granted, the licence and the authorisation must have come to an end or that the authorities might have renewed the licence at the request of the petitioner. In either of the eventualities, the grievance of the petitioner does not survive and the petitioner cannot have any grievance to make now.

4. In view of the aforesaid facts, the relief as prayed for cannot be granted in favour of the petitioner and the petition is required to be dismissed taking either of the eventuality mentioned hereinabove. Hence it is dismissed. Rule is discharged. Interim relief granted earlier also stands vacated. No order as to costs.

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